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EXAMINER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/870,538
Filing Date: May 30, 2001
Appellant(s): PRUEITT ET AL.

MAILED

AUG 21 2007

Technology Center 2100

Wendy A. Choi
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 10, 2007 appealing from the Office action mailed September 14, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is deficient. 37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number, and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. The brief is deficient because no drawings were referenced in the

explanation of the subject matter defined in each of the independent claims involved in the appeal.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6553240 B1	Devarics	20030422
US 20020065873 A1	Ishizuka	20020530
WO 01/03040	Klear et al.	20010111
US 6725071	Fidler et al.	20040420
US 5694484	Cottrell et al.	19971202

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Ishizuka (US 2002/0065873).

Referring to claim 1, Klear discloses a method of providing a service (i.e. purchasing tickets to a movie) at a device and generating, at the location of said device a permanent record (i.e. bar-coded receipt) of said service, said service and said permanent record being process by at least one of a plurality of remote servers (Figure 5, ref. 26), said method comprising the steps of:

receiving at a receiving server, from the device a request for the service (i.e. request to purchase tickets to a movie) (p. 10, lines 28-30);

providing from the receiving center, data for the request to a service server, said service center being one of said at least one of a plurality of remote servers (p. 10, lines 28-30);

processing the request for service at the service server, said processing generating the data for the service (i.e. generating a response acknowledging the purchase of the movie tickets) (p. 10, lines 28-34);

providing said data for the service to a printing server (i.e. the movie theater POS server), said printing server being one of the plurality of remote servers (pl. 10, lines 28-34);

processing, at the printing server, said data and other stored data to generate input data (i.e. barcoded ticket) for a specific printer (it is inherent that if an object is to be printed it must be formatted in a manner such that it can be read by the printer);

transmitting to said device said input data, said input being rendered by the specific printer at the location of said device as the permanent record (p. 10, lines 28-34).

Klear does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. In analogous art, Devarics discloses another method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1; col. 7, lines 29-44). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing

Art Unit: 2143

server including stored print data for optimizing the quality of prints printed on various specific printers. In analogous art, Ishizuka discloses another method to print information off the Internet which includes receiving information identifying a specific printer on which to print the permanent record (e.g. abstract "*printer selected by the user*"; p. 5, ¶ 48) as well as the printing server including stored print data for optimizing the quality of prints (i.e. printer drivers for interfacing the software with the printer, this is considered "print data for optimizing the quality of prints" since the driver allows the print data to be formatted appropriately for the type and size of the printer, and the printer server converts the file to a format readable by the printer "regardless of the fonts, software, and operating system of the wireless mobile device 106") printed on various specific printers (Figure 4, ref. 413; Figure 6, ref. 607; p. 4, ¶ 43; p. 5, ¶ 49). It would have been obvious to one of ordinary skill in the art to combine the teaching of Ishizuka with Klear and Devarics in order to provide the user the ability to print to a printer which is not earlier known to the user, such that the server has the ability to adapt to the user allowing greater flexibility to the system and increasing the user's ability to utilize the system.

Claim 2 is rejected for similar reasons as stated above.

Referring to claim 3, Klear discloses completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said at least one of a plurality of remote servers (p. 10, lines 28-32).

Referring to claim 5, Klear discloses sending a message confirming that the request for service has been fulfilled (p. 10, lines 28-32).

Referring to claim 7, Klear discloses the receiving server is the service server (p. 10, lines 28-32).

Claim 9 is rejected for similar reasons as stated above.

Referring to claim 11, Klear discloses the requested service is an event ticket (p. 10, lines 28-32).

Referring to claim 12, Klear discloses the requested service is a coupon (the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code) (p. 10, lines 28-32).

Claims 17-20, 22-24, and 30 are rejected for similar reasons as stated above.

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Ishizuka as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

Referring to claim 4, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device. In analogous art, Fidler discloses another location based service provider which discloses receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device (col. 2, lines 3-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claim 8 is rejected for similar reasons as stated above.

Referring to claim 13, Klear discloses the requested service is a location based service (i.e. a movie theater) (e.g. abstract).

Referring to claim 14, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose the determining the location of the devices is a

Art Unit: 2143

device-based method. Fidler discloses that the determining the location of the device is a device-based method (col. 2, lines 10-12). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Referring to claim 15, Klear in view of Devarics in view of Ishizuka discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Ishizuka do not specifically disclose the determining the location of the devices is a network-based method. Fidler discloses that the determining the location of the device is a network-based method (col. 7, lines 1-30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Ishizuka in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claims 25-28, and 36 are rejected for similar reasons as stated above.

Claims 1-3, 5-7, 9, 11, 12, 17-20, 22-24, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear et al. (WO 01/03040) (hereinafter Klear) in view of Devarics (USPN 6,553,240) in view of Cottrell et al. (USPN 5,694,484) (hereinafter Cottrell).

Referring to claim 1, Klear discloses a method of providing a service (i.e. purchasing tickets to a movie) at a device and generating, at the location of said device a permanent record (i.e. bar-coded receipt) of said service, said service and said permanent record being process by at least one of a plurality of remote servers (Figure 5, ref. 26), said method comprising the steps of:

receiving at a receiving server, from the device a request for the service (i.e. request to purchase tickets to a movie) (p. 10, lines 28-30);

providing from the receiving center, data for the request to a service server, said service center being one of said at least one of a plurality of remote servers (p. 10, lines 28-30);

processing the request for service at the service server, said processing generating the data for the service (i.e. generating a response acknowledging the purchase of the movie tickets) (p. 10, lines 28-34);

providing said data for the service to a printing server (i.e. the movie theater POS server), said printing server being one of the plurality of remote servers (pl. 10, lines 28-34);

processing, at the printing server, said data and other stored data to generate input data (i.e. barcoded ticket) for a specific printer (it is inherent that if an object is to be printed it must be formatted in a manner such that it can be read by the printer);

transmitting to said device said input data, said input being rendered by the specific printer at the location of said device as the permanent record (p. 10, lines 28-34).

Klear does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. In analogous art, Devarics discloses another method to print information off of the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device (it is understood that infrared 110 is a proximal method of communication between devices and that the printer must be at the location of the WAP device 100) (Figure 1; col. 7, lines 29-44). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Devarics with Klear since Klear discloses the usage of purchasing movie tickets via a portable device stored on the portable device without needing a hard copy while the PC requires a printout copy of the bar code (p. 10, lines 19-32). This would lead one of ordinary skill in the art to search to combine these two methods eventually arriving at Devarics and its novel method of transferring WAP printing data to a wireless printer via an infrared link (Figure 1).

Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing

server including stored print data for optimizing the quality of prints printed on various specific printers. In analogous art, Cottrell discloses another method to print information which includes receiving information identifying a specific printer on which to print the permanent record (presentation to a downstream utilization element, an inherent feature to this is to receive information from a source to determine which to downstream element to transmit the data) (col. 5, lines 27-33; col. 8, lines 59-63) as well as the printing server (i.e. image processing system 10) including stored print data for optimizing the quality of prints (i.e. modifying the image data to determine the impact that image processing operations will have on perceived image quality) printed on various specific printers (col. 6, lines 39-67; col. 8, lines 30-63). It would have been obvious to one of ordinary skill in the art to combine the teaching of Cottrell with Klear and Devarics in order to provide an optimal print quality for a plurality of downstream devices without having to guess as to how much to adjust the image to achieve an optimal image output by the rendering device as supported by Cottrell (col. 1, lines 53-56).

Claim 2 is rejected for similar reasons as stated above.

Referring to claim 3, Klear discloses completing a transaction at a transaction server, said transaction depending on the requested service, said transaction server being one of said at least one of a plurality of remote servers (p. 10, lines 28-32).

Art Unit: 2143

Referring to claim 5, Klear discloses sending a message confirming that the request for service has been fulfilled (p. 10, lines 28-32).

Referring to claim 7, Klear discloses the receiving server is the service server (p. 10, lines 28-32).

Claim 9 is rejected for similar reasons as stated above.

Referring to claim 11, Klear discloses the requested service is an event ticket (p. 10, lines 28-32).

Referring to claim 12, Klear discloses the requested service is a coupon (the Office takes the term coupon as a tangible entity which can be exchanged for goods or services, as in the printed bar code) (p. 10, lines 28-32).

Claims 17-20, 22-24, and 30 are rejected for similar reasons as stated above.

Claims 4, 8, 13-15, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klear in view of Devarics in view of Cottrell as stated in the claims above, and further in view of Fidler (USPN 6,725,051).

Referring to claim 4, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device. In analogous art, Fidler discloses another location based service provider which discloses receiving at the receiving server data on the location of the mobile device, said data generated by means for determining the location of the device (col. 2, lines 3-14). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claim 8 is rejected for similar reasons as stated above.

Referring to claim 13, Klear discloses the requested service is a location based service (i.e. a movie theater) (e.g. abstract).

Referring to claim 14, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose the determining the location of the devices is a

Art Unit: 2143

device-based method. Fidler discloses that the determining the location of the device is a device-based method (col. 2, lines 10-12). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Referring to claim 15, Klear in view of Devarics in view of Cottrell discloses the invention substantively as described in claim 2. Klear in view of Devarics in view of Cottrell do not specifically disclose the determining the location of the devices is a network-based method. Fidler discloses that the determining the location of the device is a network-based method (col. 7, lines 1-30). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Fidler with Klear, Devarics, and Cottrell in order to allow the mobile device the ability to provide the location information rather than the user, which may be tedious or unknown to the user, which can also speed up the process since the computer can determine the location much quicker than the user can input it manually.

Claims 25-28, and 36 are rejected for similar reasons as stated above.

(10) Response to Argument

Appellants arguments (Brief, pages 6-19) have been fully considered but are not persuasive.

Appellant argues that (A.1) Klear-Devarics-Ishizuka do not disclose the remote printing server has stored print data for optimizing the quality of print printed on a specific printer (Brief, pages 10-12). The Examiner disagrees. Appellant points to the specification which describes various methods of producing the optimal quality print (the section refers to two different patents which disclose producing optimal quality print data). The Examiner would like to point out that nowhere in this section which Appellant refers to is there an explicit definition for what is defined as “producing an optimal quality print” as claimed. This section merely describes various techniques which may be used in order to produce this optimal quality print. This description as shown in the specification does not constitute an explicit definition for the term “optimal quality print”. As such, these limitations described in the specification (namely those techniques described in the two prior art patents) cannot be read as a definition for the claimed “optimal quality print”. Appellant should be aware that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, these techniques described in these patents were not applicable as limitations and were not read into the claims. With this in mind, the Examiner has taken

a broad interpretation with the claimed “optimal quality print” limitation. The Examiner construes this limitation as any data which can be utilized to optimize print data for a particular printer. This is clearly taught by Ishizuka, which uses printer drivers for interfacing the software with the printer. This can be construed as “print data for optimizing the quality of prints” since the driver allows the print data to be formatted appropriately for the type and size of the printer, and the printer server converts the file to a format readable by the printer “regardless of the fonts, software, and operating system of the wireless mobile device 106” printed on various specific printers (Ishizuka: Figure 4, ref. 413; Figure 6, ref. 607; p. 4, ¶ 43; p. 5, ¶ 49). For these reasons, the rejection should be maintained.

Appellant further argues that (A.2) Klear-Devarics-Ishizuka does not provide a teaching or suggestion to combine the references to arrive at the claimed invention (Brief, page 13). The Examiner agrees. Appellants rationale for the combination of references is incorrect. The Examiner would like to point out that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves **or in the knowledge generally available to one of ordinary skill in the art**. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, one of ordinary skill in the art would clearly understand the benefits of combining Ishizuka with Klear and Devarics in order to provide the user the ability to print to a

printer which is not earlier known to the user, such that the server has the ability to adapt to the user allowing greater flexibility to the system and increasing the user's ability to utilize the system. This particular knowledge is generally available to one of ordinary skill in the art. By this rationale, the rejection should be maintained.

Appellant further argues that (A.3) Examiner used impermissible hindsight when combining the Klear-Devarics-Ishizuka references (Brief, page 13). The Examiner disagrees. The Examiner points out that it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). For these reasons, the rejection should be maintained.

Appellant further argues that (B.1) Klear-Devarics-Ishizuka-Fidler do not provide an interactive dialog between a user and service provider to obtain a location based service for a user and also to allow the user to make an optimal quality printed record of the service at the location of the mobile device (Brief, pages 14-15). The Examiner disagrees. Appellant does not claim an "interactive dialog between a user and service provider to obtain a location based service", rather receiving...data on the location of the mobile device, said data being generated by means for determining the location of

Art Unit: 2143

the device” (claim 4). Again it should be stated that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Appellant describes this particular feature on page 12, first paragraph, particularly lines 7-13 where it is stated that the location determining means can be network based or device based and that GPS methods are an exemplary form of device based methods. Fidler discloses generating location based data using a real time location system (RTLS) as is shown at col. 5, lines 26-40 and Figure 1, ref. 6. As shown in col. 2, lines 10-14, a PDA uses RTLS to determine its location, and then query a network service provider to determine what restaurants are close by. One of ordinary skill in the art would understand that in order for the network service provider to determine what restaurants are close by, the network service provider would need to receive the location based data from the PDA. By this rationale, the rejection should be maintained.

Appellants further argue that (C.1) Klear-Devarics-Cottrell do not disclose producing the optimal quality print for a specific server (Brief, page 16). The Examiner disagrees. Appellants admit that the techniques disclosed in Cottrell are used to determine the optimal quality print (see specification, page 11). Appellant then arguing that Cottrell does not disclose producing optimal quality print is inappropriate, since Appellant states that Cottrell’s techniques are used in producing the optimal quality print. Appellant further argues that Cottrell discloses only optimizing images, not print, however, even assuming that Appellant is correct, Cottrell, when combined with Klear

Art Unit: 2143

and Devarics, one of ordinary skill would easily be able to combine the particular image optimization features of Cottrell with the mobile printing system of Klear-Devarics in order to arrive at the claimed invention. By this rationale, the rejection should be maintained.

Appellants further argue that (C.2) impermissible hindsight was used when combining the Klear-Devarics-Cottrell references (Brief, pages 16-17). The Examiner disagrees. This is essentially the same argument as was refuted in point (A.3) above and, for the sake of brevity, the Board is respectfully referred to above.

Appellant further argues that, (D.1) Klear-Devarics-Cottrell-Fidler do not provide an interactive dialog between a user and service provider to obtain a location based service for a user and also to allow the user to make an optimal quality printed record of the service at the location of the mobile device (Brief, pages 17-18). The Examiner disagrees. Klear-Devarics-Cottrell references (Brief, pages 16-17). The Examiner disagrees. This is essentially the same argument as was refuted in point (B.1) above and, for the sake of brevity, the Board is respectfully referred to above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

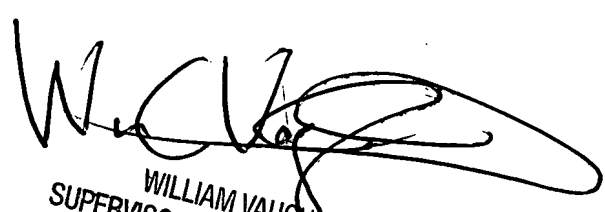
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